

### **REMARKS/ARGUMENTS**

Claims 13-26 are currently pending in this application. Claims 1-12 have been cancelled as a result of the restriction requirement.

#### **Rejections under 35 U.S.C. § 103**


Claims 13-18, 22-24, and 26 were rejected as being unpatentable over US Patent 6,426,232 to Livak in view of US Patent 3,413,474 to Freeh. In light of the arguments presented herein Applicants respectfully request reconsideration of this rejection as one skilled in the art would not have combined the references as suggested by the Examiner and the references when combined do not teach each feature of the claimed invention.

Claim 13 includes the feature of a sensor embedded in the wafer carrier, the sensor configured to detect heat energy emanating from a location on the metal layer due to the heat energy pulse, the sensor located to minimize reception of a reflected heat energy pulse from the defined heat energy pulse. Thus, the claimed invention does not evaluate the reflected radiation, it measures the temperature. Freeh teaches using reflected radiation, which the Examiner refers to as radiation detection. The Examiner asserts that one skilled in the art would have combined the references in order to provide more accurate measurements in a simple manner. The Applicants respectfully disagree with this assertion as the Examiner is ignoring limitations explicitly stated in Freeh. For example, Freeh requires that the source and the detector be aligned longitudinally so that the irradiated surface passes under the detector (see Figure 3 and column 4, lines 1-5). That is, the exact spot irradiated by Freeh must be measured. The present invention minimizes the reflection, i.e., the source and the detector do not measure the same location. This is further specified in claim 16 and 23. Freeh must measure the same location because it functions on reflected radiation not

temperature. Applicants, respectfully request that the Examiner point out where Freeh can function to measure a different location than the location that has been irradiated as specified in claims 16 and 23. Furthermore, how would the source and detector be longitudinally aligned to perform this within the spinning wafer carrier of Litvak? In order to combine the references as suggested by the Examiner, there would have to be a major redesign of Litvak, even if the combination is feasible, a proposition with which the applicants disagree.

In view of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. A notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 774-6921**. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. LAM2P437). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
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